IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 11137 of 2004**

Between:

Smt. Chevvakula Savitri W/o. Raghava Rao, Agriculture
Visakhapatnam.

**..... PETITIONER**

AND

1 The M.R.O., ( Rural) Visakhapatnam.
2 The R.D.O., Visakhapatnam.
3 The Collector, Visakhapatnam.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order, direction or a writ particularly one in the nature of a writ of Mandamus declaring that the implementation of the orders of cancellation of "D-Florm Patta Granted to the petitioner in respect of an extent of Acs. 4.67 cents in Survey No. 335/1 situated at Madhurawada Village, Visakhapatnam Rural, Visakhapatnam district pending disposal of the appeal before the 3rd respondent is arbitrary and illegal.

**For the Petitioner:MR.KOKA RAGHAVA RAO, Advocate.**

**For the Respondents: GP FOR REVENUE**

**The Court at the admission stage made the Following :**

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**THE HONOURABLE SRI JUSTICE N.V.RAMANA**

**WRIT PETITION NO.11137 OF 2004**

**ORDER:**

This writ petition is filed questioning the implementation of orders or cancellation of "D-form patta" granted to the petitioner in respect of land to an extent of Ac.4.67 cents in survey No.335/1, Madhurawada village, Visakapatnam, pending disposal of the appeal before the third respondent.

The case of the petitioner in brief is that on 14.11.1978 an extent of Ac.4.67 Cents in Survey No.335/1 situated at Madhurawada village, Visakhapatnam rural has been assigned and a patta was also granted in her favour and since then she has been in possession and enjoyment of the said land by doing cultivation thereon. While so, on 9.12.1987, the first respondent herein issued a show-cause notice as to why the patta granted in her favour should not be cancelled on the ground that she failed to cultivate the land so assigned within three years and also on the ground that the said land is required for public purpose, i.e., for development of a Satellite Township. The petitioner submitted her explanation on 21.12.1987. Thereafter in the year 1991 one Gokaraju Suryanarayana Raju and two others attempted to trespass into her land claiming that the said land was assigned to him and he subsequently sold the same to Dulipala Nageswara Rao and Kalidindi Seetharama Raju under

registered sale deed dated 5.11.1990 and 4.2.1991. Aggrieved by the same, the petitioner herein filed W.P.No.5731 of 1991 wherein this Court held that cancelling the patta granted in favour of the petitioner is illegal and directed the respondents to restore the possession back to the petitioner, and accordingly the possession of the land was delivered back to the petitioner.

It is the further case of the petitioner that by an order dated 12.12.2002, first respondent herein again cancelled the patta granted in his favour, against which the petitioner herein filed an appeal before second respondent and the same was dismissed by affirming the order of the first respondent. Aggrieved by the said order, on 19.6.2004 the petitioner herein filed an appeal before the District Collector, Visakapatnam along with an application for stay of all further proceedings pending the said appeal. The grievance of the petitioner is that, so far the District Collector, Visakapatnam has not passed any interim orders on the said stay application, and that the Mandal Revenue Officer is trying to take possession of the land. Hence this writ petition is filed.

Heard learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition with the following direction.

In the circumstances, the third respondent/District Collector is directed to consider the interim stay application stated to have been filed by the petitioner and after affording reasonable opportunity to the writ petitioner and pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of copy of this order.

The writ petition is accordingly disposed of. No costs.

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N.V.RAMANA, J

Dt.02.7.2004.

Mdaa/tvk

Copy to:

1 The M.R.O., ( Rural) Visakhapatnam.
2 The R.D.O., Visakhapatnam.
3 The Collector, Visakhapatnam.

4. Two C.Cs.to G.P.for Revenue, High Court Building

High Court of A.P., Hyderabad.(OUT)

5. Two C.D.Copies.